

ASSEMBLY BILL

No. 743

Introduced by Assembly Member Logue

February 21, 2013

An act to amend Sections 56375.3 and 56375.4 of, and to repeal Section 57080 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 743, as introduced, Logue. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the powers and duties of a local agency formation commission. The act authorizes a local agency formation commission to approve, after notice and hearing, a petition for a change of organization or reorganization of a city, if the petition was initiated on or after January 1, 2010, and before January 1, 2014, and waive protest proceedings entirely if certain requirements are met. This provision applies only to territory that does not exceed 150 acres.

This bill would delete the January 1, 2014, date and make conforming changes. The bill would authorize the commission to approve a change of organization or reorganization pursuant to these provisions of a territory that does not exceed 300 acres.

The act additionally authorizes a local agency formation commission to approve, after notice and hearing, a petition for a change of organization or reorganization of a city that was initiated on or after January 1, 2014, if certain requirements are met, and requires the commission to follow specified procedures in making this approval.

This bill would repeal these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56375.3 of the Government Code is
2 amended to read:
3 56375.3. (a) In addition to those powers enumerated in Section
4 56375, a commission shall ~~do either of the following~~:
5 ~~(1) Approve, approve, after notice and hearing, the change of~~
6 ~~organization or reorganization of a city, and waive protest~~
7 ~~proceedings pursuant to Part 4 (commencing with Section 57000)~~
8 ~~entirely, if all of the following are true:~~
9 ~~(A)~~
10 ~~(1) The change of organization or reorganization is initiated on~~
11 ~~or after January 1, 2000, and before January 1, 2014.~~
12 ~~(B)~~
13 ~~(2) The change of organization or reorganization is proposed~~
14 ~~by resolution adopted by the affected city.~~
15 ~~(C)~~
16 ~~(3) The commission finds that the territory contained in the~~
17 ~~change of organization or reorganization proposal meets all of the~~
18 ~~requirements set forth in subdivision (b).~~
19 ~~(2) Approve, after notice and hearing, the change of organization~~
20 ~~or reorganization of a city, subject to subdivision (a) of Section~~
21 ~~57080, if all of the following are true:~~
22 ~~(A) The change of organization or reorganization is initiated on~~
23 ~~or after January 1, 2014.~~
24 ~~(B) The change of organization or reorganization is proposed~~
25 ~~by resolution adopted by the affected city.~~
26 ~~(C) The commission finds that the territory contained in the~~
27 ~~change of organization or reorganization proposal meets all of the~~
28 ~~requirements set forth in subdivision (b).~~
29 (b) Subdivision (a) applies to territory that meets all of the
30 following requirements:
31 (1) It does not exceed ~~150~~ 300 acres in area, and that area
32 constitutes the entire island.
33 (2) The territory constitutes an entire unincorporated island
34 located within the limits of a city, or constitutes a reorganization
35 containing a number of individual unincorporated islands.

1 (3) It is surrounded in either of the following ways:

2 (A) Surrounded, or substantially surrounded, by the city to which
3 annexation is proposed or by the city and a county boundary or
4 the Pacific Ocean.

5 (B) Surrounded by the city to which annexation is proposed and
6 adjacent cities.

7 (C) This subdivision shall not be construed to apply to any
8 unincorporated island within a city that is a gated community where
9 services are currently provided by a community services district.

10 (D) Notwithstanding any other provision of law, at the option
11 of either the city or the county, a separate property tax transfer
12 agreement may be agreed to between a city and a county pursuant
13 to Section 99 of the Revenue and Taxation Code regarding an
14 annexation subject to this subdivision without affecting any existing
15 master tax sharing agreement between the city and county.

16 (4) It is substantially developed or developing. The finding
17 required by this paragraph shall be based upon one or more factors,
18 including, but not limited to, any of the following factors:

19 (A) The availability of public utility services.

20 (B) The presence of public improvements.

21 (C) The presence of physical improvements upon the parcel or
22 parcels within the area.

23 (5) It is not prime agricultural land, as defined by Section 56064.

24 (6) It will benefit from the change of organization or
25 reorganization or is receiving benefits from the annexing city.

26 (c) Notwithstanding any other provision of this subdivision, this
27 subdivision shall not apply to all or any part of that portion of the
28 development project area referenced in subdivision (e) of Section
29 33492.41 of the Health and Safety Code that as of January 1, 2000,
30 meets all of the following requirements:

31 (1) Is unincorporated territory.

32 (2) Contains at least 100 acres.

33 (3) Is surrounded or substantially surrounded by incorporated
34 territory.

35 (4) Contains at least 100 acres zoned for commercial or
36 industrial uses or is designated on the applicable county general
37 plan for commercial or industrial uses.

38 SEC. 2. Section 56375.4 of the Government Code is amended
39 to read:

1 56375.4. ~~(a)–The authority to initiate, conduct, and complete~~
2 ~~any proceeding pursuant to subdivision (a) of Section 56375.3~~
3 ~~does not apply to any territory that, after January 1, 2000, became~~
4 ~~surrounded or substantially surrounded by the city to which~~
5 ~~annexation is proposed, except for islands that were created after~~
6 ~~January 1, 2000, as a result of boundary adjustments between two~~
7 ~~counties. The authority to initiate, conduct, and complete any~~
8 ~~proceeding pursuant to paragraph (1) of subdivision (a) of Section~~
9 ~~56375.3 shall expire January 1, 2014. The period of time between~~
10 ~~January 1, 2000, and January 1, 2014, shall not include any period~~
11 ~~of time during which, in an action pending in any court, a local~~
12 ~~agency is enjoined from conducting proceedings pursuant to~~
13 ~~paragraph (1) of subdivision (a) of Section 56375.3. Upon final~~
14 ~~disposition of that case, the previously enjoined local agency may~~
15 ~~initiate, conduct, and complete proceedings pursuant to paragraph~~
16 ~~(1) of subdivision (a) of Section 56375.3 for the same period of~~
17 ~~time as was remaining under that 14-year limit at the time the~~
18 ~~injunction commenced. However, if the remaining time is less than~~
19 ~~six months, that authority shall continue for six months following~~
20 ~~final disposition of the action.~~

21 ~~(b) Between January 1, 2000, and January 1, 2014, no new~~
22 ~~proposal involving the same or substantially the same territory as~~
23 ~~a proposal initiated pursuant to paragraph (1) of subdivision (a)~~
24 ~~of Section 56375.3 after January 1, 2000, shall be initiated for two~~
25 ~~years after the date of adoption by the commission of a resolution~~
26 ~~terminating proceedings.~~

27 SEC. 3. Section 57080 of the Government Code is repealed.

28 57080. ~~(a) With respect to a proceeding initiated on or after~~
29 ~~January 1, 2014, when approved and authorized by the commission~~
30 ~~pursuant to Section 56375.3, Sections 57050, 57051, 57052, and~~
31 ~~57078, shall apply and Section 57075 shall not apply.~~

32 ~~(b) The commission, not more than 30 days after conclusion of~~
33 ~~the hearing, shall make a finding regarding the value of written~~
34 ~~protests filed and not withdrawn and shall do either of the~~
35 ~~following:~~

36 ~~(1) Terminate proceedings if written protests have been filed~~
37 ~~and not withdrawn by 50 percent or more of the registered voters~~
38 ~~within the affected territory.~~

39 ~~(2) Order the territory annexed without an election.~~

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